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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH F. ARISPE,  
Plaintiff,

No. C 03-04269 CRB

**VERDICT FORM**

v.

TOM TIMMER,  
Defendant.

We, the jury in the above-entitled case, find the following:

**JONES ACT-NEGLIGENCE CLAIM**

1. Were the defendants negligent?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please answer question nos. 2 and 3, otherwise skip to question no. 4.*

2. Did the defendants' negligence cause plaintiff's shoulder injury?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

3. Did defendants' negligence cause plaintiff's back injury?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

#### UNSEAWORTHINESS CLAIM-BOUNTIFUL

4. Was the vessel Bountiful unseaworthy?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please answer question nos. 5 and 6, otherwise skip to question no. 7.*

5. Was the unseaworthiness of the Bountiful a substantial factor in causing plaintiff's shoulder injury?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

6. Was the unseaworthiness of the Bountiful a substantial factor in causing plaintiff's back injury?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

#### UNSEAWORTHINESS CLAIM-DONITA

7. Was the Donita unseaworthy?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please answer question nos. 8 and 9, otherwise skip to question no. 10.*

1 8. Was the unseaworthiness of the Donita a substantial factor in causing plaintiff's  
2 shoulder injury?

3 Answer "Yes" or "No."

4 Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

6 9. Was the unseaworthiness of the Donita a substantial factor in causing plaintiff's back  
7 injury?

8 Answer "Yes" or "No."

9 Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

### 11 NEGLIGENCE/UNSEAWORTHINESS DAMAGES

12 *If you answered yes to question nos. 2,3,5,6, 8, or 9 please answer questions nos. 10 and 11.*

14 10. Without taking into consideration any reduction of damages due to plaintiff's  
15 negligence, what do you find to be the total amount of damages, if any, suffered by  
16 plaintiff as a result of his shoulder injury and/or back injury?

17 Answer:

18 (a) Past loss of income: \_\_\_\_\_

19 (b) Future loss of income: \_\_\_\_\_

20 (c) Pain and suffering: \_\_\_\_\_

21 (d) Future medical expenses: \_\_\_\_\_

22 (e) Household services: \_\_\_\_\_

11. If you awarded damages for plaintiff's shoulder injury *and* back injury, do you find that those damages can be allocated between the shoulder injury and back injury, and, if so, how are they allocated?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please allocate the damages where appropriate on the following lines. The total for each line (shoulder plus back) should equal the total for each line in your answer to question no. 10. If you do not find that the damages can be allocated for a particular line item, please leave that line item blank.*

	Shoulder Injury	Back Injury
(a) Past loss of income:	_____	_____
(b) Future loss of income:	_____	_____
(c) Pain and suffering:	_____	_____
(d) Future medical expenses:	_____	_____
(e) Household services:	_____	_____

### NEGLIGENCE/UNSEAWORTHINESS COMPARABLE NEGLIGENCE

*If you awarded a damages amount in question no. 10, please answer the following question:*

12. Was the plaintiff negligent?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please answer question nos. 13 and 15 (and 14 and 16 where appropriate), otherwise skip to question no. 17.*

1 13. Did plaintiff's negligence cause his shoulder injury?

2 Answer "Yes" or "No."

3 Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

4 *If you answered yes, please answer question nos. 14 and 15, otherwise skip to*  
 5 *question no. 15.*

6  
 7 14. Assuming that 100% represents the total amount of harm suffered by plaintiff as a  
 8 result of his shoulder injury, what percentage of plaintiff's harm was due to his own  
 9 negligence and what percentage is attributable to either defendants' negligence or the  
 10 unseaworthiness of the vessels?

11 Answer:

12 Defendants/vessels \_\_\_\_\_ %

13 Plaintiff \_\_\_\_\_ %

14 [Total must equal 100%]

15

16 15. Did plaintiff's negligence cause his back injury?

17 Answer "Yes" or "No."

18 Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

19 *If you answered yes, please answer question no. 16, otherwise skip to question no. 17.*

20

21 16. Assuming that 100% represents the total amount of harm suffered by plaintiff as a  
 22 result of his back injury, what percentage of plaintiff's harm was due to his own  
 23 negligence and what percentage is attributable to either defendants' negligence or the  
 24 unseaworthiness of the vessels?

25 Answer:

26 Defendants/vessels \_\_\_\_\_ %

27 Plaintiff \_\_\_\_\_ %

28 [Total must equal 100%]

**MAINTENANCE AND CURE CLAIM**

17. Did the defendants fail to provide plaintiff with maintenance to which he was entitled?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please answer question nos. 18 and 19, otherwise skip to question no. 20.*

18. What is the amount of money that will compensate plaintiff for the amount of maintenance that you find he is entitled to recover?

Answer: \_\_\_\_\_.

19. Was the defendants' failure to provide maintenance willful or arbitrary?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

20. Did the defendants fail to provide plaintiff with the "cure" to which he was entitled in a timely fashion?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

*If you answered yes, please answer question no. 21, otherwise skip to question no. 22.*

21. Was the defendants' failure to provide cure in a timely fashion willful or arbitrary?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

**STATUTE OF LIMITATIONS**

22. Did the plaintiff know, or by the exercise of reasonable diligence should he have known, prior to September 17, 2000, that he had suffered the shoulder injury for which he claims damages in this lawsuit?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

23. Did the plaintiff know, or by the exercise of reasonable diligence should he have known, prior to September 17, 2000, that he had suffered the back injury for which he claims damages in this lawsuit?

Answer "Yes" or "No."

Answer: YES \_\_\_\_\_ NO \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jury Foreperson